

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Scott Edward Weiss,

Petitioner,

v.

State of Minnesota,

Respondent.

Civil No. 12-2417 (RHK/JJG)

**ORDER ON REPORT
AND RECOMMENDATION**

The Court has conducted a de novo review of the Report and Recommendation of Magistrate Judge Jeanne J. Graham, the Objections thereto, and all the files, records and proceedings herein. Based on that review, the undersigned is satisfied that Judge Graham's recommendations are fully supported by the the factual record before her and controlling legal principle. Accordingly, **IT IS ORDERED:**

1. The Objections (Doc. No. 37) are **OVERRULED**;
2. Report and Recommendation (Doc. No. 36) is **ADOPTED**;
3. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**; and
4. Petitioner Scott Edward Weiss's "Motion for Accept Petition for a Federal Habeas Corpus to be Late under the Equitable Tolling" (Doc. No. 2) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 7, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge